



UNITED STATES PATENT AND TRADEMARK OFFICE

APPLICATION FOR PATENT

Appellant: Benoit REISS
Serial No.: 10/649,894
Filed: August 26, 2003
Title: A Cargo Lamp For Vehicles
Examiner: Anabel Ton
Group Art Unit: 2875

CERTIFICATE OF MAILING UNDER 37 CFR 1.8(A)

I hereby certify that this correspondence is being deposited with the United States Postal Service as first class mail in an envelope addressed to Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450 on May 26, 2006 by Carlo S. Bessone.

Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

Dear Sir:

COVER LETTER

Enclosed are three copies of an Appeal Brief in the above-entitled application which is submitted in response to the Final Rejection dated December 30, 2005 wherein all the claims then of record (Claims 1-10) were finally rejected. A Notice of Appeal was filed on April 3, 2006, together with an authorization to charge the appeal fee to a specified Deposit Account. Pursuant to 37 CFR 1.192, this Appeal Brief is filed in triplicate within two months of the date of filing said Notice of Appeal.

The additional fee of \$500 for filing this Brief in Support of an Appeal under Fee Code 1402 should be charged to Deposit Account No. 15-0685.

Respectfully submitted,


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UNITED STATES PATENT AND TRADEMARK OFFICE

BEFORE THE BOARD OF PATENT APPEALS
AND INTERFERENCES

Ex parte Benoit REISS

APPLICATION FOR PATENT

Serial No.: 10/649,894
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BRIEF ON APPEAL

This Appeal Brief is submitted in response to the Office Action dated December 30, 2005 wherein all the claims then of record (Claims 1-10) were finally rejected. A Notice of Appeal was filed on April 3, 2006, together with an authorization to charge the appeal fee to a specified Deposit Account. Pursuant to 37 CFR 1.192, this Appeal Brief in support of the appeal is filed in triplicate within two months of the date of filing said Notice of Appeal.

(I) REAL PARTY IN INTEREST

The real party in interest in the above-identified application is Valeo Sylvania LLC.

(II) RELATED APPEALS AND INTERFERENCES

It is believed that there are no other appeals or interferences which will directly affect or be directly affected by or have a bearing on the Board's decision in the pending appeal.

(III) STATUS OF CLAIMS

Claims 1-10 are pending. Claims 2-10 are objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims. All pending Claims are delineated in the Appendix attached hereto.

(IV) STATUS OF AMENDMENTS

No amendment has been filed subsequent to final rejection.

(V) SUMMARY OF CLAIMED SUBJECT MATTER

With particular reference to page 5-7 and FIGS. 1-4, Claim 1 defines a cargo lamp assembly 14 for vehicles. The assembly comprises a white light emitting diode (LED) 22 having an aperture for emitting a light beam 24 in an arc of about 120 degrees in horizontal and vertical planes and a lens for receiving the

beam and reducing the beam in a horizontal plane to about 60 degrees and reducing the beam in a vertical plane to about 60 degrees.

(VI) GROUNDS OF REJECTION TO BE REVIEWED ON APPEAL

Whether Claim 1 is unpatentable under 35 U.S.C. 103(a) over U.S. Patent No. 4,910,649 to Vadseth and in further view of U.S. Publication No. 2002/0159270 to Lynam et al and in further view of U.S. Patent No. 6,616,313 to Furst et al.

(VII) ARGUMENT

CLAIM 1 IS NOT OBVIOUS OVER VADSETH IN VIEW OF LYNAM ET AL
AND IN FURTHER VIEW OF FURST ET AL.

According to the Final Office Action dated December 30, 2005, Claim 1 stands rejected under 35 U.S.C. 103(a) as being unpatentable over Vadseth in view of Lynam et al and in further view of Furst et al.

This rejection is respectfully traversed and reversal thereof by this Honorable Board is respectfully requested. Appellant respectfully submits that the references cited by the Examiner fail to teach or suggest the claimed invention.

Independent Claim 1 defines cargo lamp assembly for vehicles. The assembly includes a white light emitting diode (LED) having an aperture for emitting a light beam in an arc of about 120 degrees in horizontal and vertical planes and a lens for receiving the beam and reducing the beam in a horizontal plane to about 60 degrees and reducing the beam in a vertical plane to about 60 degrees.

Vadseth relates to an airfield light, principally for marking aircraft parking lots, routes for ground staff, etc. With particular attention to the Abstract and column 1, lines 8-10, Vadseth requires that the airfield light is readily visible from all sides and from any angle. The airfield light consists of a light source which is arranged in a housing and radiates light in a hemisphere through at least one lens installed in the housing. The light beam 1 in the zenith of the hemisphere has a luminous intensity which is at least 20 percent higher than in the region 13 between 10 and 30 degrees above the lowermost radiant edge 2.

Furst et al relates to a lighting device for attachment to a motor vehicle. Unlike the present invention, the lighting device of Furst et al includes light-emitting diodes 9 which emit white light with an emission angle of +/-15 degrees. See, in particular, column 9, lines 65-67. In order to reduce the scattered light emitted and provide for a beam path directed substantially vertically downward, each light-emitting diode is surrounded by an open, pipe-like tube 26.

Lynam et al relates to a vehicle lighting system which includes a light assembly, which is configured so as to illuminate, for example, a ground area adjacent an entrance to the vehicle or an interior portion of the vehicle. The light assembly includes a single non-incandescent light source, which comprises a single high-intensity power light emitting diode.

Appellant respectfully submits that under 35 U.S.C. § 103, teachings of references can be combined only if there is some suggestion or incentive to do so. Taking the references as a whole, there is no teaching, suggestion, or motivation for substituting a white LED with light emission of about 120 degrees for the light source in Vadseth's airfield light and (2) modifying the lens of Vadseth's airfield light so as to reduce to 60 degrees in a vertical and horizontal plane as proposed by the Examiner. Importantly, the Examiner's proposed combination would fail

to meet Vadseth's requirements for an airfield light which is readily visible from all sides and from any angle.

None of the reference teach or remotely suggest a cargo lamp assembly as defined by Claim 1 wherein, for example, a lens reduces the received beam in a horizontal plane to about 60 degrees and reduces the beam in a vertical plane to about 60 degrees. The Examiner is of the opinion that this limitation would have been obvious to one of ordinary skill in the art at the time of the invention was made for the lens of Vadseth to reduce the light beam to 60 degrees as opposed to 20 degrees in a vertical and horizontal plane since it has been held that where the general conditions of a claim are disclosed in the prior art, discovering the optimum or workable ranges involves only ordinary skill in the art. The Examiner cites In re Aller, 105 USPQ 233.

In re Aller relates to a process for the production of phenol. The CCPA commented that the sole reference article used for the rejection showed essentially the same process as that recited in the claims, except that the only experiment discussed in the article was conducted at a temperature of 100 degrees C and with a 10% sulphuric acid solution. Appellant submits that the present invention distinguishes over *In re Aller* in that the same cargo lamp assembly as defined by Claim 1 is not essentially shown and the general conditions of Claim 1 are not disclosed in the prior art.

In view of the above, Appellant respectfully submits that the only way the Examiner could have arrived at his conclusion is through hindsight analysis by reading into the art the teachings of the Appellant. Hindsight analysis is clearly improper, since the statutory test is whether "the subject matter as a whole would have been obvious at the time the invention was made."

Absent such teaching or suggestion, the invention as defined by independent Claim 1 is deemed fully patentable over the above references. Withdrawal of the rejection under 35 U.S.C. § 103(a) and allowance of independent Claim 1 is respectfully urged.

Claims 2-10 are dependent on independent Claim 1 and thus depend on subject matter deemed patentable. Allowance thereof is also urged.

For the reasons and arguments presented above, Appellant submits that Claims 1-10 are deemed fully patentable over Vadseth, Lynam et al and Furst et al. Accordingly, reversal of the Examiner's rejection of Claims 1-10 under the provisions of 35 U.S.C. 103 by this Honorable Board is earnestly and respectfully requested.

Respectfully submitted,



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on May 26, 2006 by Carlo S. Bessone.

(VIII) CLAIMS APPENDIX

The following represent all of Appellant's claims on appeal:

1. A cargo lamp assembly for vehicles, the assembly comprising:
 - a white light emitting diode (LED) having an aperture for emitting a light beam in an arc of about 120° in horizontal and vertical planes; and
 - a lens for receiving the beam and reducing the beam in a horizontal plane to about 60° and reducing the beam in a vertical plane to about 60°.
2. The cargo lamp assembly in accordance with claim 1 wherein the LED aperture includes a horizontal aperture component adapted for emitting the light beam extending 60° to the left and 60° to the right of a beam axis in the horizontal plane and a vertical aperture component for emitting the light beam extending 60° above the beam axis and 60° below the beam axis in the vertical plane; and
wherein said lens is adapted to configure the light beam to an upper boundary in the vertical plane deflected about 10° downwardly relative to the horizontal plane and a lower boundary in the vertical plane extending downwardly about 70° relative to the horizontal plane.

3. The cargo lamp in accordance with claim 2 wherein said LED is disposed about halfway between said lens in the horizontal plane and a focal point of said lens.

4. The cargo lamp in accordance with claim 2 wherein said LED is disposed at about a focal point of said lens in the vertical plane.

5. The cargo lamp in accordance with claim 3 wherein said LED is disposed at about a focal point of said lens in the vertical plane.

6. The cargo lamp in accordance with claim 2 wherein said lens is a clear lens.

7. The cargo lamp in accordance with claim 6 wherein said LED is at least an 18 lumen LED and said lens emits at least about 10 candela.

8. A cargo lamp assembly for vehicles, the assembly comprising:

a white light emitting diode (LED) having an aperture for emitting a light beam in an arc of x° to the left and x° to the right of a central axis of the beam in a horizontal plane; and

a lens for reducing the beam to an arc of about $1/2x^\circ$ to the left and about $1/2x^\circ$ to the right of the central axis,

said lens being configured in horizontal cross section to provide a lens focal point about twice the distance from said lens as the distance of the LED from said lens.

9. A cargo lamp assembly for vehicles, the assembly comprising:

a white light emitting diode (LED) having an aperture for emitting a light beam in an arc of y° above and y° below a central axis of the beam in a vertical plane; and

a lens for reducing the beam to an arc including in the vertical plane an upper boundary deflected downwardly about 10° relative to a horizontal plane, and a lower boundary of about $1/2y^\circ + 10^\circ$, said lens being configured in vertical cross section to provide a lens focal point coincident with the distance from said lens to said LED.

10. The cargo lamp assembly for vehicles, in accordance with claim 8 wherein the said white LED aperture emits the light beam in an arc of y° above and y° below a central axis of the beam in a vertical plane; and

said lens reduces the beam to an arc including in the vertical plane an upper boundary deflected downwardly about 10° relative to a horizontal plane, and a lower

boundary of about $1/2y^\circ + 10^\circ$, said lens being configured in vertical cross section to provide a lens focal point coincident with the distance from said lens to said LED.

(IX) EVIDENCE APPENDIX

Item not relevant

(X) RELATED PROCEEDINGS APPENDIX

Item not relevant